



State of Nevada Board of Veterinary Medical Examiners

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NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING

At

Las Vegas Chamber of Commerce
3720 Howard Hughes Parkway
Conference Room
LAS VEGAS, NEVADA
On

THURSDAY, March 27, 2003 – 8:45 a.m.
FRIDAY, March 28, 2003 – 8:30 a.m.

Board Members Present

Gary Ailes, DVM, President
Jon Pennell, DVM, VP
Chris Yach, DVM*
Richard Simmonds, DVM, MS
William Taylor, DVM
Craig Schank, DVM
Beverly Willard

Staff Present

Debbie Machen, Exec. Dir.
Conrad Frederickson, Admin. Asst.
Fred Olmstead, DAG
Mike Chumrau, DVM, Investigator
Andy Burnett, DVM, Investigator

*Dr. Yach was absent the afternoon of March 28, 2003

Dr. Ailes called the meeting to order at 8:58 A.M. on 03/27/03

Dr. Ailes called the meeting to order at 8:30 A.M. on 03/28/03

MINUTES

1. Approval of Board Minutes

- A. December 11, 2002 Board Meeting
- B. December 19, 2002 Legislative Committee Meeting
- C. January 23, 2003 Board Meeting
- D. December 11, 2002 Closed Board Meeting

Board Action:

Motion: Ms. Willard moved to approve as presented.

Second: Dr. Pennell
Action: Passed Unanimously
Board Action:
Motion: Dr. Simmonds moved to go into closed session.
Second: Ms. Willard
Action: Passed Unanimously

Closed session minutes

Motion: Dr. Simmonds moved to return to open session.
Second: Ms. Willard
Action: Passed Unanimously

Motion: Dr. Simmonds moved to go into closed session.
Second: Ms. Willard
Action: Passed Unanimously

Closed session minutes

Motion: Dr. Yach moved to return to open session.
Second: Ms. Willard
Action: Passed Unanimously

***2. Disciplinary Action**

A. 01-092502

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Simmonds moved to dismiss with a letter of concern regarding keeping medical records on boarders that have been given medical treatment.

Second: Dr. Schank

Action: Passed Unanimously, Dr. Ailes abstained.

B. 01-102102

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Simmonds moved to dismiss with a letter of concern regarding the length of time the turtle was on antibiotics and the quality of care.

Second: Ms. Willard

Action: Passed Unanimously, Dr. Ailes abstained.

C. 01-020303

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Taylor moved to dismiss

Second: Dr. Yach

Action: Passed Unanimously, Dr. Ailes abstained.

D. 01-012303

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended a Consent Decree with the following violations: 1) NAC 638.037-incomplete medical record keeping and 2) NAC 453-Outdated drugs in inventory.

Board Action:

Motion: Dr. Simmonds moved to have staff negotiate a settlement with Dr. Reilly with the following terms: Violations- 1) NAC 638.037 & NAC453. The following conditions will be placed on his license: 1) Two-year probation; 2) Quarterly Hospital Inspection's for the term of the probation; 3) Reimburse the board for the costs of the inspections. If the matter can't be settled then proceed to a hearing.

Second: Ms. Willard

Action: Passed Unanimously, Dr. Ailes abstained.

E. 01-121302

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Simmonds moved to dismiss the complaint against the original veterinarian and send a letter of concern to the secondary veterinarian regarding incomplete medical records.

Second: Dr. Taylor

Action: Passed Unanimously, Dr. Pennell abstained.

F. 01-011003

Discussion: After discussion of the complaint in closed session, the Board asked staff to negotiate a settlement with Dr. Sapp and his attorney with the following violations and terms:

- 1) Practicing veterinary medicine without a license in a facility without a permit.
- 2) Licensee may reapply for reinstatement of his license after five years with conditions for reinstatement.

Tabled

G. 01-122002

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Ms. Willard moved to dismiss with a letter of concern regarding pre-anesthetic methods and the apparent one-hour period the anesthesia log did not have any entries.

Second: Dr. Schank

Action: Passed Unanimously, Dr. Simmonds abstained.

H. 01-112202

After discussion of the complaint in closed session, the Board member assigned to this case recommended that the Board staff negotiate a settlement agreement with Dr. Chinn with the following violation and terms:

- 1) unlicensed personnel administering anesthesia;
- 2) reimburse board costs.

Board Action:

Motion: Dr. Taylor moved to approve that a public letter of reprimand be sent to the veterinarian regarding the use of unlicensed veterinary technicians administering anesthesia.

Second: Dr. Yach

Action: Passed Unanimously, Simmonds abstained

I. 01-111202

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Yach moved to dismiss the complaint with a letter of concern being sent to the veterinarian regarding proper communication in discussing all options with the client, including estimated costs of the procedure.

Second: Dr. Schank

Action: Passed Unanimously, Simmonds abstained.

J. 01-021303

Discussion: After discussion of the complaint in closed session, the Board member assigned to this case recommended dismissal due to the fact that there were no violations.

Board Action:

Motion: Dr. Simmonds moved to dismiss with a letter of concern regarding the lack of physical examination information being on the medical record.

Second: Dr. Taylor

Action: Passed Unanimously, Dr. Schank abstained.

K. 01-040901

Tabled, no action

3. Continuing Education-Request for approval of CE's for:

A. Pfizer Animal Health, "Livestock Symposia" for 6.75 hours for veterinarians.

Board Action:

Motion: Dr. Schank moved to approve as requested.

Second: Dr. Taylor

Action: Passed Unanimously

4. Deputy Attorney General Legal Report-Fred Olmstead

A. Open/Pending Complaints/Hearings

Mr. Olmstead reviewed two matters before the Board:

- 1) We are waiting for the final decision from the Nevada Supreme Court regarding the oral arguments in the Gilman case. It went well with the focus being on the Board recouping "all costs and what is included in those costs"
- 2) We anticipate a continuance for the Bojrab hearing this coming Tuesday but have not had any confirmation.

5. Requests for Licensure-Appeal Requested

- A. Dr. James Sapp-reinstatement of forfeited license**
- B. Animal Clinic West-reinstatement of forfeited license**

Discussion: Dr. Sapp and his attorney were present and addressed the Board. Mr. Sarb, Dr. Sapp's attorney, advised the Board that Dr. Sapp does not want to reinstate either license at this time.

***6. Discussion of Regulations/New Policies**

- A. NEW LANGUAGE-Defining "unlicensed veterinary assistant."**
- B. Amendment of NAC 638.053, redefining the duties of a licensed veterinary technician and defining the duties of an unlicensed veterinary assistant.**
- C. Amendment of NAC 638.053, redefining the duties of a licensed veterinary technician and defining the duties of an unlicensed veterinary assistant.**

Dr. Ailes opened the Workshop and Public Hearing for comment.

Dr. Ailes discussed the survey that had been sent out to a group of 35 veterinarians and veterinary technicians.

Dr. Dennis Olsen addressed the Board regarding what veterinary technicians can and can't do. He talked about the issue of experience vs. education. He is inclined to support having only licensed veterinary technicians perform the duties on the current list. The Board's duty is to protect the public and limiting what unlicensed individuals can do would better serve the needs of the public.

Dr. Ailes asked Dr. Olsen what he thought about those challenging the test based on extensive experience instead of education. Dr. Olsen stated he was not sure if this would be a good solution to the problem.

Wendy Ford, LVT stated that would be a daunting task. It was not practical. Dr. Simmonds stated that we should do what is best for the public and not make an exception to the rule.

Dr. Burnett stated there is no question that licensed veterinary technicians are of tremendous value, what are we going to let unlicensed technicians do? We shouldn't try to circumvent the system to allow unlicensed uneducated people perform the duties of a veterinary technician.

Dr. Olsen asked if we could create a veterinary assistant classification. Wendy Ford, LVT stated that she supports a new classification of vet assistants. Jill Petersen, LVT agreed that having the classification would be helpful.

Dr. Yach stated that we as a Board have the authority to regulate veterinarians and veterinary technicians, but not unlicensed veterinary assistants. The responsibility will lie with the veterinarian. He thinks it is okay to allow unlicensed veterinary technicians perform some of these duties under direct supervision and the veterinarian would be held responsible.

Ms. Ford and Ms. Petersen stated that they think the only way a person should be able to be called a licensed veterinary technician is if they have gone to school.

Ms. Wagner asked if we could have a sunset clause so the programs can get going to build the numbers of veterinary technicians.

The Board, with public comment went down the current list of veterinary technician duties, defining which duties should be considered as duties that an unlicensed assistant could perform.

The following duties and supervision levels will be considered at the next public workshop and hearing for unlicensed veterinary assistants:

- 1) Assisting a licensed veterinarian in surgery/Immediate
- 2) Blood administration/direct, add language "with a pre-placed catheter"
- 3) Monitoring of vital signs/direct
- 4) Administration of electrocardiogram/direct
- 5) Application of bandages/immediate
- 6) Introduction of food into stomach through a tube/direct, add language, "pre-placed tube"
- 7) Ear Cleaning/direct, new language
- 8) Positioning of animals for X-rays/direct
- 9) Operation of X-ray machines/direct
- 10) Administration of oral and topical medications, excluding controlled substances/indirect
- 11) Starting and restarting IV fluids/direct. Add language "through a pre-placed catheter"
- 12) Collecting of a laboratory specimen for analyses of free catch urine or feces, skin, parasites and microorganisms/Indirect (Change to present language)
- 13) Collection of a laboratory specimen for analysis of blood/immediate (new language)
- 14) Collection of tissue during or after a post-mortem examination by a DVM/immediate
- 15) Administration of intramuscular, subcutaneous or intravenous injections with pre-placed catheter/direct, (new language)

Dr. Ailes closed the Workshop and Public Hearing on 6A-B and opened the hearing on 6C-D. No action was taken on 6A-B.

C. Specify the additional requirements that a foreign veterinary graduate must meet prior to being licensed in Nevada.

Discussion: There was no public comment.

Board Action:

Motion: Dr. Taylor moved to approve the regulation as written.

Second: Dr. Yach

Action: Passed unanimously

D. Licensing of Euthanasia Technicians and compliance with DEA registration.

Discussion: There was no public comment.

Board Action:

Motion: Dr. Simmonds moved to approve the regulation as written.

Second: Dr. Yach

Action: Passed unanimously

Dr. Ailes closed the workshop and public hearing.

7. Executive Director Report

A. Financial Report

Ms. Machen reviewed financials thru February to the Board's satisfaction.

B. Administrative Report

Ms. Machen reviewed the administrative report to the Board's satisfaction.

C. GL upgrade costs and assessment

Discussion: Ms. Machen explained the proposal by GL Suite to upgrade our current licensing software. The current database would be integrated with our present web site allowing for online renewal capability and licensee information search. The approximate start-up cost would be \$4850.00 with a yearly maintenance cost \$8,500.

Board Action:

Motion: Dr. Simmonds moved to approve to amend the 2002-2003 budget for \$8,500.

Second: Dr. Taylor

Action: Passed Unanimously

8. Discussion and Determination

A. TMCC curriculum and certificate veterinary technician program approval-Dr. Yach & Phyllis Henderson-TMCC

Discussion: Dr. Yach presented the Board with a handout in regard to the course syllabus and his overall impression of the program. He explained that the success will hinge on the quality of the instructors, the supervision to make sure the instructors convey the course objectives to the student, the availability of hands on learning devices, and the follow-up on the quality and level of learning during the externships.

Ms. Machen asked Ms. Henderson if all students had to start in the fall. Ms. Henderson stated that at first they will have to start in the fall but eventually courses will be able to be staggered.

Board Action:

Motion: Dr. Schank moved to approve the certificate of completion and the certificate of achievement in veterinary technology as the minimum requirement of education enabling a person to sit for the VTNE and apply for licensure in the State of Nevada.

Second: Dr. Taylor

Action: Passed Unanimously, Dr. Simmonds abstained

B. NAC 638.037 (f) clarification on physical examination information needing to be on every dated record

Discussion: Mr. Olmstead explained to the Board that the regulations are subject to any reasonable interpretation by the Board.

Dr. Schank stated that it is already written clearly and we should leave the language as is, or we will be micromanaging.

Dr. Simmonds thinks it should be left alone and interpreted on a case-by-case basis.

Dr. Burnett stated that the veterinarians are asking for direction on what to do. Mr.

Olmstead explained that each time a dog comes in for a physical examination, a physical examination should be done and noted on the record.

C. NAC 638.0615 (2), clarification on “effective separation of animals with contagious and non-contagious disease.”

Discussion: Dr. Burnett explained this has been an issue for years, we have run into a variety of ways this has been handled, and it needs clarification.

Dr. Simmonds suggested that staff research AAHA’s standards regarding isolation and bring the information back to the Board at the next meeting.

D. NAC 638.017 and NAC 638.600, clarification of providing vaccinations on house calls and a discussion of the equipment needed at a vaccination clinic.

Discussion: Ms. Machen explained the problem for rural practitioners with mixed practices. Dr. Henley had called the Board office with concerns regarding him having to carry all the equipment that is required in a vaccination clinic to each house call. Mr. Olmstead stated the laws are written as is and suggests he takes those things with him.

E. Update from NVMA meetings

Discussion: Ms. Wagner stated everything went smooth and there was a bylaw change regarding elections.

F. Legislative update

Discussion: Our Bill (SB427) will be heard in front of Senator Townsend’s Committee on Monday, March 31, 2003 at 7AM. Dr. Ailes, Fred Olmstead, Neena Laxalt, and Debbie Machen will be present to offer testimony.

G. Digital Radiographs/film-less system-update Dr. Taylor

Discussion: Dr. Taylor stated he does not have a lot of information yet. He has sent letters to get feedback but has not heard back yet.

H. Board participation at the AVMA/AAVSB convention in Denver on July 17-23

Motion: Dr. Simmonds moved to send someone with Debbie Machen to Denver. The Board members will check their schedules to see who is available.

Board Action:

Motion: Dr. Simmonds moved to send two people to Denver.

Second: Dr. Taylor

Action: Passed unanimously, Dr. Yach was absent.

I. Professionals Reaching Nevada update

Discussion: Ms. Machen explained that everything is going as expected.

J. Equine Reproduction-Dr. Schank

Discussion: Dr. Schank explained he and Debbie Machen had met with Michelle from Equine Reproduction to discuss their business and the program that they present to animal owners. Dr. Schank thought it was a great program very in-depth with the information presented being very credible.

Dr. Meredith had asked the Board if the services that were being provided infringed on the practice of veterinary medicine. Dr. Schank still has questions regarding other services being offered. Dr. Ailes asked Dr. Schank to write something up for

presentation at the next meeting.

K. FARB convention update-Dr. Schank

Discussion: Dr. Schank thought that the convention was very beneficial. He came away with more questions than answers.

L. Set Board Meeting, tentative date, June 26, 2003-Reno

Board date set as noted above.

9. Public Comment

The following public was present during the Board meeting and/or the public hearing:

Michelle Wagner - Nevada Veterinary Medical Association

Dennis Olsen, DVM – Community College of S. Nevada

Barbara Sanders – Dean, Truckee Meadows Community College

Jill Peterson, LVT - Truckee Meadows Community College

Wendy Ford - Truckee Meadows Community College

Phyllis Henderson – Truckee Meadows Community College

Felicia Shelby

10. Agenda items for next meeting

1. Equine reproduction
2. Requirements for wet labs
- 3) Digital X-rays

11. Adjournment

Thursday, March 27, 2003

Motion: Dr. Yach moved to adjourn at 4:00 P.M.

Second: Ms. Willard

Passed unanimously

Friday, March 28, 2003

Motion: Dr. Simmonds moved to adjourn at 3:07 PM

Second: Ms. Willard

Passed unanimously